

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PETER OKOT,

Plaintiff,

v.

DEPARTMENT OF HOMELAND SECURITY,

Defendant.

No. 2:23-mc-00073-GZS

ORDER

A hearing pursuant to 8 U.S.C. § 1447(b) was held before me on March 7, 2023, in Portland, Maine, upon the request of the Plaintiff, Peter Okot. Plaintiff sought the hearing as a result of a delay exceeding 120 days by the U.S. Citizenship and Immigration Services (“USCIS”) in making a determination on his pending application for naturalization. Dkt. #1, Feb. 21, 2023. At the hearing, Assistant U.S. Attorney Andrew Lizotte, appearing on behalf of the Government, represented that Plaintiff’s application for naturalization had been approved by USCIS on March 6, 2023. The issue was raised by the Government, however, regarding whether 8 U.S.C. § 1447(b) vested exclusive jurisdiction in the federal courts once a request for a hearing has been filed. The Government therefore sought a remand to USCIS on the issue, solely for purposes of clarifying and confirming the jurisdictional basis of the agency’s approval determination made during the pendency of this matter.

Pursuant to 8 U.S.C. § 1447(b), this “court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to [USCIS] to determine the matter.” Accordingly, to the extent Plaintiff’s filing of his hearing request may have divested USCIS of jurisdiction to decide the application for

naturalization, I HEREBY ORDER that this matter be remanded to USCIS for a final determination of approval consistent with the representations made by the Government at the hearing.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 7th day of March, 2023.